

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)
)
)
Plaintiff,)
)
v.) C. A. No. 05-486 (GMS)
)
) JURY TRIAL DEMANDED
)
THE TORO COMPANY,)
)
Defendant.)

NOTICE OF VIDEOTAPED DEPOSITION OF BEN STREET

To: The Toro Company and its attorneys:

Anthony R. Zeuli, Esquire
MERCHANT & GOULD P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402

Richard L. Horwitz, Esquire
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, Delaware 19899-0951

PLEASE TAKE NOTICE that Plaintiff, Textron Innovations Inc., will take the deposition by oral examination of Kevin Conry commencing on **October 24, 2006**, beginning at **9:00 a.m.** at the offices of Frederikson & Bryon, P.A., 200 South Sixth Street, Suite 4000, Minneapolis, Minnesota or at some other place mutually agreed upon by counsel.

Said deposition will be taken by stenographic and videographic means before a notary public and will continue from day to day as necessary until completed.

This Notice serves as formal notice of the deposition informally noticed on September 27, 2006.

Dated: September 28, 2006

THE BAYARD FIRM

/s/ Edmond D. Johnson
Edmond D. Johnson (#2257)
Peter B. Ladig (#3513)
Katharine V. Jackson (#4800)
222 Delaware Avenue, Suite 900
Wilmington, DE 19801
Telephone: (302) 655-5000
Facsimile: (302) 658-6395

Attorneys for Plaintiff
TEXTRON INNOVATIONS INC.

OF COUNSEL:

Scott L. Robertson
Christopher C. Campbell
HUNTON & WILLIAMS LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
Telephone: (202) 955-1500
Facsimile: (202) 778-2201